
ADVISORY GUIDELINES
TELECOMMUNICATIONS ORDER, 2001
TARIFF NOTIFICATION AND APPROVAL

	REVISION RECORD	EFFECTIVE DATE
1	First issue	1 October 2018
2	Second issue	20 April 2020
3	Third issue	09 August 2021

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1. INTRODUCTION

- 1.1. These Advisory Guidelines describe the administrative processes and requirements associated with Section 5 of the Code of Practice to Regulate Tariffs in the Telecommunications Sector (herein after referred as the “Tariff Code”).
- 1.2. These Advisory Guidelines apply to all Market Players and shall take **effect from 09 August 2021**
- 1.3. The Authority reserves the right to change, revise and/or revoke these Guidelines from time to time as it sees fit and without prior notice.

2. REGULATORY POWERS

- 2.1. These Advisory Guidelines are issued under *Section 28 of the Telecommunications Order, 2001*.
- 2.2. In the event of a failure to comply with the requirements of these Advisory Guidelines, the Authority may exercise its powers under *Section 8 of the Telecommunications Order, 2001*.

3. NOTIFICATION AND APPROVAL

- 3.1. *Section 5.1.1. of the Tariff Code* states that Market Players will file tariffs with the Authority when the Market Player is proposing new tariffs for Infrastructure or Services. For the avoidance of doubt, this includes the introduction of new permanent tariffs, a temporary change to a permanent tariff or a temporary promotional tariff.
- 3.2. *Sections 5.2 and 5.3 of the Tariff Code* set out the requirements associated with Tariff Review and Tariff Approval. For the avoidance of doubt, all tariffs (irrespective of relevant market) charged by Market Players who have been designated as having Significant Market Power must be approved by the Authority before launch.
- 3.3. All tariff filings must be in the form contained in **Annex 1** to these Advisory Guidelines to ensure compliance with the requirements of *Section 5 of the Tariff Code*.
- 3.4. The Authority will reject notifications or applications for approval which are not submitted in accordance with these Advisory Guidelines and/or not in the required format and/or those with insufficient or incomplete information.

4. OFFERS AND ACTIVITIES WHICH DO NOT REQUIRE TARIFF FILINGS

- 4.1. The requirement for tariff filings apply to tariffs associated with the provision of telecommunications infrastructure or service and do not apply to charges associated with ancillary products provided together with the telecommunications infrastructure or service e.g. device provided together with an approved mobile service plan. As such, the following may be offered without submitting a tariff filing to the Authority:
 - 4.1.1. packages or plans with handsets or other devices which are linked to permanent or promotional tariffs which have already been approved by the Authority; and

- 4.1.2. monetary and non-monetary rewards i.e. discount coupons, freebies, prizes and lucky draws as part of its marketing initiatives.
- 4.2. The offers may be provided on permanent basis or as promotional in conjunction with any festival, carnival or event.
- 4.3. Examples

	EXAMPLE	CHANGE IN TARIFFS?	NEW TARIFF FILING REQUIRED (YES/NO)
4.3.1.	Mobile device bundle with existing mobile plans.	(a) No change in existing prices, terms and conditions for the mobile plan which has been filed and approved by the Authority. (b) Additional charges may be applied as an upfront payment for the mobile device without a tariff filing.	No
4.3.2.	Mobile device bundle with existing mobile plans will get a \$X monthly rebate for 3 months OR one (1) month free rental.	A modification or change to the prices, terms and conditions that has must be filed and approved by the Authority.	Yes
4.3.3.	New subscribers to fixed broadband plans (contract or non-contract) will be entitled to a lucky draw.	If there is no change in existing prices, terms and conditions which has been filed and approved by the Authority.	No
		If there is a modification or change to the prices, terms and conditions that has not been filed and approved by the Authority.	Yes

5. REPORTING TO THE AUTHORITY

- 5.1. Market Players must provide reports bi-annually to the Authority listing the following activities during the specified period:
- 5.1.1. Permanent Tariffs.
- 5.1.2. Promotional and Temporary Tariffs.
- 5.1.3. Offers and activities undertaken which do not require tariff filings.

See Annex 2 for Tariff Reporting Template.

- 5.2. The reporting periods and submission dates for the bi-annually reports are:

Reporting Period	Submission Date
1 January to 30 June	Before or by 31 July
1 July to 31 December	Before or by 31 January

6. GENERAL AND INTERPRETATION

- 6.1. Market Players must ensure confidentiality of communications between the Authority and the Market Player with regard to tariffs. At no time will a Market Player disclose information about information requests or decisions made by the Authority.
- 6.2. The Authority reserves the right to approve a part of a notification or application for approval and require amendments to the remainder.
- 6.3. Market Players are bound by the contents of their submission and must make every effort to ensure the accuracy of the information submitted. Decisions made by the Authority which are based on inaccurate information will be invalidated.
- 6.4. Tariff filings, information or reports provided to the Authority by the Market Players must be provided in both hardcopy and softcopy (in PDF and editable Microsoft Office format) and in the English language.
- 6.5. Market Players must provide the Authority with any documents or information that they possess or are reasonably able to procure, at the Authority's request or direction for the purpose of processing their Tariff Filings.

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ANNEX 1: INFORMATION TO BE INCLUDED IN TARIFF FILING BY ALL MARKET PLAYERS

1. GENERAL INFORMATION

- 1.1. Contact information (contact person, address, telephone, fax, email).
- 1.2. Name of Infrastructure and/or Service.
- 1.3. Date of submission.
- 1.4. Type of tariffs (i.e. Permanent or Promotional tariffs).
- 1.5. Objectives to the introduction or modification of tariffs.
- 1.6. Target launch date.

2. DESCRIPTION OF INFRASTRUCTURE AND/OR SERVICE AFFECTED

- 2.1. For **new** tariffs: Market Players must provide a clear, comprehensive and easily understandable description for the relevant Infrastructure or Service. If technical terms are used, these must be explained in a manner that allows non-specialists to understand. Market Players must also provide the product and/or branding name.
- 2.2. For **existing** tariffs: Market Players must provide the product and/or branding name of the Infrastructure or Service offered.
- 2.3. Market Players may also attach and reference other descriptive documentation.

3. COMPREHENSIVE INFORMATION OF THE AFFECTED INFRASTRUCTURE AND/OR SERVICE

- 3.1. Market Players to provide clear and comprehensive information of the proposed tariffs according and not limited to the following:
 - 3.1.1. Product and/or service price, packaging and/or offer.
 - 3.1.2. Eligibility requirement.
Examples: age, new and/or existing customers.
 - 3.1.3. Any other special considerations required as part of the product and/or service price and/or packaging.
Examples: minimum spending and/or contract term, any other tariffs not generally subject to tariff regulation when offered as part of the product and/or service price, package and/or offer.
 - 3.1.4. Terms and Conditions (including and where applicable any changes made to the existing Terms and Conditions).
 - 3.1.5. Suspension and termination provisions (including notice period and fees for early termination).
 - 3.1.6. Target launch date.
 - 3.1.7. Target end date.
- 3.2. Market Players may provide a copy of any information relevant to the Infrastructure and/or Service description and other information intended to be published and provided to customers.

4. COST BREAKDOWN INFORMATION

- 4.1. All Market Players must provide a detailed description of the cost components and associated value of each, for the relevant Infrastructure and/or Service offered.
- 4.2. Market Players with Significant Market Power must provide a detailed description of the cost methodology used in determining the tariffs (as set in the Tariff Code).

5. PUBLICATION

- 5.1. Market Players must provide complete information about how the tariff, prices, terms and conditions will be published to consumers and the means of such publication e.g newspaper, web pages, social media platforms, radio.

6. ANY OTHER INFORMATION

- 6.1. Market Players should provide other information required to provide context for the Authority's processing.

7. DECLARATION

- 7.1. Market Players shall make a declaration as to the truth, accuracy and completeness of the information submitted.

[END OF ANNEX 1]

ANNEX 2: TARIFF REPORTING TEMPLATE

No	Description of Infrastructure and/or Service Affected	Type of Tariffs*	Commencement Date	End Date	AITI's Tariffs Approval		Any Other Pertinent Information / Remarks
					Reference	Date	

**Please indicate (A) for Permanent Tariffs; (B) for Promotional and Temporary Tariffs; and (C) for Offers and activities undertaken which do not require tariff filings*

[END OF ANNEX 2]